

Minutes
Bar Harbor Town Council
February 10, 2009

- I. CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Sandy McFarland, Julia Schloss, Greg Veilleux, Robert Jordan, Jr.; and Town Manager Dana Reed.
- A. Excused Absence(s)** – None absent.
- II. APPROVAL OF MINUTES**
- A. February 3, 2009** – Mr. Paradis, with second by Mr. Veilleux, moved to approve the minutes of the February 3, 2009 regular meeting as presented. Motion passed 7-0.
- III. ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Garland, moved to adopt the agenda as presented with the exception of removing item VIII. Motion passed 7-0.
- IV. FINANCIAL STATEMENTS** – Mr. Paradis, with second by Ms. Schloss, moved to accept and file the January 31, 2009 financial statements as presented in the Finance Director's memo dated February 6, 2009. Motion passed 7-0.
- V. PUBLIC HEARINGS:**
- A. Special Amusement Permit: Bar Harbor Inn, 7 Newport Drive, request for a Class 3ad special amusement permit, three or more musicians with mechanical amplification and dancing, as submitted by David J. Witham.** – There being no comments, Mr. Paradis, with second by Mr. Veilleux, moved to approve the Special Amusement Permit for the Bar Harbor Inn as requested. Motion passed 7-0.
- B. FY10 Budget:**
1. *Report of the Town Manager on Council's request for \$200,000 in additional budget cuts.* – Following Town Manager Dana Reed's review of the eleven rounds of budget cuts to reach Council's requested amount, Mr. Paradis, with second by Mr. McFarland, moved to accept the Town Manager's hit list as presented and in his budget memo dated February 5, 2009 with the exception of changing the cut of the CIP Land Acquisition account from the \$94,434 in the memo to reflect a fund level of \$65,434. (Effectively, this will reduce taxes by \$52,195 instead of the \$94,434 on the Manager's hit list.)
- Discussion ensued, Ms. Schloss, with second by Ms. Eveland, moved to amend the motion by cutting cooperating agencies by 10% instead of the percentage amount stated in the Manager's Budget Memo dated February 5, 2009. Motion failed 2-5 (Nay: Mr. Garland, Mr. Paradis, Mr. McFarland, Mr. Veilleux, Mr. Jordan).

Discussion continued, Mr. Garland moved to amend the motion by striking the Round Nine (cooperating agency and outside organization) cuts outlined in the Manager's Budget Memo dated February 5, 2009 entirely. Due to the lack of a second, the motion died.

The main motion passed 6-1 (Nay: Mr. Garland).

Further, Mr. Paradis, with second by Mr. McFarland, moved to further reduce the CIP Land Acquisition account by \$40,434, to a level of \$25,000, and transfer the funds to the General Fund Unreserved and Undesignated Fund Balance account. Motion passed 6-1 (Nay: Ms. Schloss).

2. *Public hearing on and adoption of the fiscal year 2010 budget, for the period July 1, 2009 to June 30, 2010.* – Following comments from the public and Council, Mr. Paradis, with second by Mr. Veilleux, moved to adopt the FY10 Budget as amended and recommend it to the Warrant Committee. Motion passed 7-0.
3. *Fees & Charges – Request of Councilor Paradis for discussion of department fee schedules.* – Mr. Paradis, with second by Ms. Schloss, moved to direct staff to review fees and charges not addressed through the budget process thus far and report to Council with any suggested changes within 10 months. Motion passed 7-0.

VI. REGULAR BUSINESS:

A. Land Use Ordinance Amendments: June 2009 – *Consideration and possible signing of an Order placing the following ordinances on the June Town Meeting ballot.*

1. **Signage and Design Review Board Jurisdiction** – *As reviewed at the last Council meeting.* – Mr. Paradis, with second by Mr. Garland, moved to adopt and sign the order to place the Signage and Design Review Board Jurisdiction Ordinance on the June ballot. Motion passed 7-0.
2. **Vacation Rentals** – *Request of the Town Manager for an amendment to clarify non-conforming protections for vacation rentals and distinguish between the definition of a lot and a condominium.* - Following discussion, Ms. Schloss, with second by Mr. Garland, moved to adopt and sign the order to place the Vacation Rentals Ordinance on the June ballot. Motion passed 6-1 (Nay: Mr. Paradis).

B. Moratorium – *Request of Councilor Schloss for a moratorium on non-residential development of buildings in excess of 1000 square feet, in the Town Hill Business District.* – Ms. Eveland requested to be recused and reported that an immediate family member works for the local Hannaford store. Mr. Jordan, with second by Mr. Garland, moved to find that Ms. Eveland has a conflict of interest on this item due to the fact that her son works for Hannaford. Motion passed 6-0-1 (Recused: Ms. Eveland). Ms. Eveland left the Council Chambers at this time.

Following much discussion and limited comments from the public, Ms. Schloss, with second by Mr. Veilleux, moved to direct staff to:

1. Advertise a public hearing for March 3, 2009 at 7:00 p.m. to consider establishing a 180 day moratorium on non-residential development of buildings in excess of 10,000 square feet, in the Town Hill Business District,
2. Arrange to have a town attorney attend the meeting,
3. Prepare an appropriate Council Order establishing a 180 day moratorium, effective February 10, 2009, on the permitting process for non-residential development of buildings in excess of 10,000 square feet, in the Town Hill Business District, for the reasons outlined in the Planning Director's memo of February 10, 2009, and
4. Direct staff not to process applications for such development during the intervening period.

Motion failed 3-3-1 (Nay: Mr. Paradis, Mr. McFarland, Mr. Jordan; Recused: Ms. Eveland).

C. Treasurer's Warrant – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Veilleux, moved to sign the Treasurer's Warrant for paid bills. Motion passed 7-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA –

Mr. McFarland requested for a future agenda to invite Senator Damon to address the Council and explain what he is doing or thinks he is doing for Bar Harbor.

Mr. McFarland explained he voted against the moratorium at this time because he did not have enough information regarding the plans or the moratorium.

Mr. Paradis stated he continues to be concerned about legal fees. The economic situation has worsened, and there is rumor of pending layoffs at a few sizable institutions in town.

In addition, Mr. Paradis wished assistant mechanic Shane Phippen the best of luck in his move to Arizona. He was certainly an asset to the Town.

Mr. Garland would like to see a follow-up to Barbara Sassaman's suggestion of a joint meeting of all committees to share their reports.

Mr. Veilleux reported that when he served on the Conservation Commission there was an annual meeting with other committees, and he feels it's worth resurrecting.

Mr. Jordan apologized to Ellen Dohmen for not fully explaining her comments regarding Vacation Rentals. He requested that she be put on the next agenda so she can give her full explanation.

He expressed his concerns for all Town Hill residents, both for and against the moratorium, not given a chance to be heard.

Ms. Eveland stated it was the intent to review committee reporting after a year and at which time a joint meeting of all committees could be established.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION: *Deleted scheduled item.*

IX. ADJOURNMENT – Mr. Paradis, with second by Mr. Veilleux, moved to adjourn the meeting at 9:09 p.m. Motion passed 7-0.

Paul Paradis, Secretary